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Appl. No.: 10/089,815
Amdt. dated 03/20/2006
Reply to Office action of December 30, 2005

REMARKS/ARGUMENTS

Claims 14, 15, and 20-40 are currently pending in the present application. In the Office Action dated December 30, 2005, Claims 14, 15, 20-28, 30-35, and 37-40 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,161,026 to Uchida ("Uchida"). Claims 29 and 36 were rejected under 35 U.S.C. § 103(a) as being obvious over Uchida. In response to the Office Action, Applicant has amended independent Claims 14, 37, and 38. Applicant has also canceled dependent Claims 21 and 22. As explained below, Applicant respectfully submits that the claimed invention of amended independent Claims 14, 37, and 38, and by dependency Claims 15, 20, 23-36, 39, and 40, are patentably distinct from the Uchida patent. As such, Applicant respectfully requests reconsideration and allowance of all of the pending claims of the present application.

The independent claims of the present application relate to a portable device comprising a user input. The user input comprises a key having a first function of performing a shortcut to a predetermined menu when the device is in a first state, and a second function when the device is not in the first state. The second function of the key is performing a shortcut to the first state. The predetermined menu comprises a list of first level menu items. The device also comprises a processor for determining the state of the device and for performing a function in response to a first mode of operation of the key.

For example, page 19 and FIG. 12 of the specification describe one embodiment of the claimed invention. In this embodiment, a phone has a button having multiple functions where the function of the button is determined by the state of the phone. If the phone is in idle mode and the button is pressed, the profiles menu is accessed. *See* Steps 122 and 123 of FIG. 12. If the phone is not in idle mode and the button is pressed, "then the processor exits all menus and returns the phone to idle mode." *See* p.19, ¶ 3 and Steps 122 and 124 of FIG. 12. This feature of the key having a second function of performing a shortcut to the first state provides the user with quick access to and from a menu. The user can quickly exit any menu level without having to scroll through further menu levels or select an item from the menu level. For example, this feature may be particularly useful if the user inadvertently enters a menu level and desires to quickly return to the first state.

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The Uchida patent is directed to an electronic device having a switch. When the device is in idle mode, pressing the switch enters a menu. A list of menu options is then displayed sequentially on the display. Pressing the switch again selects the displayed menu option and the device then enters a further menu level. This process continues until there are no more menu levels left, at which time pressing the switch will select the highlighted menu option and exit the menu.

Uchida does not teach or suggest a device comprising a key having: (i) a first function, when the device is in a first state, of entering a menu, and (ii) a second function, when the device is not in the first state, of performing a shortcut to the first state, as recited by the independent claims of the present application. In contrast, Uchida describes a key which is operable to enter a menu and then, once the device has entered the menu, scroll through the menu to select a menu option thereby, allowing a user to select an option from a menu using a single switch. Uchida does not teach or suggest a key which performs a shortcut in returning to the first state, such as by exiting all menus and returning to the idle mode. Instead, a user operating the Uchida device who desires to exit a menu must first click through the menu and make a menu option selection before returning to the idle state of the device. Thus, Uchida does not teach or suggest a second function, when the device is not in the first state, of performing a shortcut to the first state, as recited by independent Claims 14, 37, and 38. As such, Applicant requests that the rejection of Claims 14, 15, 23-28, 30-35, and 37-40 under 35 U.S.C. § 102(b) and the rejection of Claims 29 and 36 under 35 U.S.C. § 103(a) be withdrawn and that all of the pending claims of the present application be issued for allowance.

Conclusion

In view of the amended claims and the remarks presented above, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper.

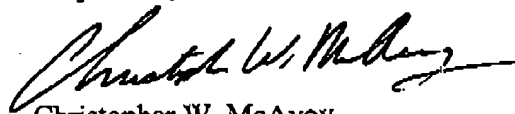
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However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,


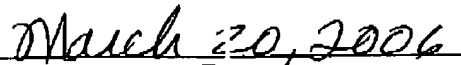


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